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8 Attorneys for Defendant, STARBUCKS CORPORATION

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

11 RAFI HAROUTOUNIAN,

12 Plaintiff,

13 vs.

14 STARBUCKS CORPORATION AND
15 DOES 1-100, inclusively

16 Defendants.

CASE NO.:

(Removed from Los Angeles Superior
Court Case No. BC649623)

Judge:

**NOTICE OF REMOVAL OF CIVIL
ACTION PURSUANT TO
28 U.S.C., SECTION 1441(b)
(DIVERSITY JURISDICTION)**

Complaint Filed: February 21, 2017

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21 **TO THE CLERK OF THE ABOVE-ENTITLED COURT:**

22 **PLEASE TAKE NOTICE** that Defendant, STARBUCKS CORPORATION
23 (hereafter "STARBUCKS," "Defendant," or "Petitioner") hereby removes to this
24 Honorable Court, the State Court action described below:

25 1. On February 21, 2017, an action was commenced in the Superior
26 Court of the State of California for the County of Los Angeles, entitled *Rafi*
27 *Haroutounian*, Plaintiff, vs. *Starbucks Corporation, et al.*, Defendants, as Case No.
28 BC649623. Besides Defendant, STARBUCKS, all other Defendants are fictitious

1 "DOE" defendants. A true and correct copy of the Summons and Complaint for
2 said action is attached hereto as **Exhibit "A."**

3 2. Defendant, STARBUCKS was first served with the Summons and
4 Complaint via personal service on its California agent for service of process,
5 Corporation Service Company, on February 27, 2017. Defendant filed its Answer
6 on March 28, 2017. A true and correct copy of said Answer is attached hereto as
7 **Exhibit "B."**

8 3. The Court has original jurisdiction under 28 U.S.C., Section 1332 over
9 this civil action, which may be removed to this Court by Petitioner pursuant to the
10 provisions of 28 U.S.C., Section 1441(b), in that the matter in controversy exceeds
11 the sum of \$75,000, exclusive of interest and costs, and is between citizens of
12 different states. The jurisdictional facts are described further below:

13 4. The amount in controversy exceeds \$75,000.00 because a Statement of
14 Damages served with the Complaint on February 27, 2017, indicates that Plaintiff,
15 RAFI HAROUTOUNIAN seeks in excess of \$1,110,000.00 in "general" and
16 "economic" damages, as well as "medical expenses," "future medical expenses"
17 and "loss of earnings." Consequently, if Plaintiff is able to prevail on his asserted
18 claims, it is more likely than not that the total amount of damages would exceed
19 \$75,000.00. Here, Plaintiff seeks compensatory damages according to proof. A true
20 and correct copy of said Statement of Damages is attached hereto as **Exhibit "C."**

21 5. There is complete diversity of citizenship in that: (1) Plaintiff, RAFI
22 HAROUTOUNIAN is, and was at the time of filing of the Complaint, a citizen of
23 the **State of California**; (2) Defendant, STARBUCKS is, and was at the time of the
24 filing of the Complaint, a corporation, organized pursuant to the laws of the **State**
25 **of Washington**, and has its principal place of business in the City of Seattle in the
26 **State of Washington**.

27 ///

28 ///

1 6. Defendant, STARBUCKS is not a citizen of the State of California.
2 Thus, Defendant should be considered for diversity purposes a citizen of states
3 other than the State of California.

4 7. For purposes of removal, the citizenship of DOE defendants is to be
5 disregarded. 28 U.S.C., Section 1441(a).

6 8. This Petition is filed within thirty (30) days after Petitioner's discovery
7 of the removability of this case, pursuant to 28 U.S.C., Section 1446, and within
8 one year after the commencement of the action. Accordingly, the time for filing this
9 Petition under 28 U.S.C., Section 1446 has not expired. *See, Commercial*
10 *Computer Services v. Datapoint Corp.* (M.D.La. 1986) 641 F.Supp. 1579, 1581.

11
12 **WHEREFORE**, Petitioner prays the above action now pending against them
13 in the Superior Court of the State of California for the County of Los Angeles be
14 removed therefrom to this Honorable Court.

15
16
17 Dated: March 29, 2017

LARSON, GARRICK & LIGHTFOOT, LLP

18
19 By: 

DARREN M. BALLAS
Attorneys for Defendant,
STARBUCKS CORPORATION

Exhibit "A"

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

Starbucks Corporation and DOES 1-100 inclusively

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Rafi Haroutounian

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)
Electronically**FILED**by Superior Court of California
County of Los Angeles on

02/21/17

Sherri R. Carter, Executive Officer/Clerk

By Dawn Alexander Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below:

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

(AVISO!) Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desear el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

Superior Court of California, County of Los Angeles
111 N. Hill Street
Los Angeles, CA 90012

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Sevag Nigoghosian SBN 224928 Law Offices of Sevag Nigoghosian
101 N. Brand Blvd., Suite 1970 (818) 956-1111
Glendale, CA 91203

CASE NUMBER
(Número del Caso) BC649623DATE: 02/21/2017
(Fecha)

Sherri R. Carter

Clerk, by
(Secretario)

Dawn Alexander

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):

- ☒ on behalf of (specify):

STARBUCKS CORPORATION

- under:
- ☒ CCP 416.10 (corporation)
 - ☐ CCP 416.20 (defunct corporation)
 - ☐ CCP 416.40 (association or partnership)
 - ☐ other (specify):

- ☐ CCP 416.60 (minor)
- ☐ CCP 416.70 (conservatee)
- ☐ CCP 416.90 (authorized person)

- ☐ by personal delivery on (date):

2/27/17

SUMMONS

Page 1 of 1

Form Adopted for Mandatory Use
Judicial Council of California
SUM-100 (Rev. July 1, 2009)

Essential
Forms

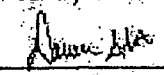
Code of Civil Procedure §§ 412.20, 485

www.courtinfo.ca.gov

Rafi Haroutounian

E-SCANNED

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Sevag Nigoghossian SBN 224928 Law Offices of Sevag Nigoghossian 101 N. Brand Blvd., Suite 1970 Glendale, CA 91203 TELEPHONE NO.: (818) 956-1111 FAX NO.: (818) 956-1983 ATTORNEY FOR (Name): Plaintiff Rafi Haroutounian		FOR COURT USE ONLY Electronically FILED by Superior Court of California County of Los Angeles on 02/21/17 Sheri R. Carter, Executive Officer/Clerk By  Deputy Dawn Alexander	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: 111 N. Hill Street CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Central		CASE NUMBER: BC649623 JUDGE: DEPT.:	
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:		
Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input checked="" type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally-Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses
e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
|--|--|
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): Three: Negligence, Strict Product Liability, Breach of Warranty
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: February 20, 2017.

Sevag Nigoghossian

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

CM-010

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)-Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (not asbestos or toxic/environmental) (24)
Medical Malpractice (45)
Medical Malpractice-Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (not medical or legal)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (not unlawful detainer or wrongful eviction)
Contract/Warranty Breach-Seller Plaintiff (not fraud or negligence)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case-Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (not provisionally complex) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (not eminent domain, landlord/tenant, or foreclosure)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ-Administrative Mandamus
Writ-Mandamus on Limited Court Case Matter
Writ-Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal-Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400-3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (non-domestic relations)
Sister State Judgment
Administrative Agency Award (not unpaid taxes)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (not specified above) (42)
Declaratory Relief Only
Injunctive Relief Only (non-harassment)
Mechanics Lien
Other Commercial Complaint Case (non-tort/non-complex)
Other Civil Complaint (non-tort/non-complex)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (not specified above) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief from Late Claim
Other Civil Petition

E-SCANNED

DEPT 97 Hon. Benny C. Osorio A7220

Electronically

FILEDby Superior Court of California
County of Los Angeles on

02/21/17

Sheri R. Carter, Executive Officer/Clerk

1 **LAW OFFICES OF SEVAG NIGOGHOSIAN**
 2 **SEVAG NIGOGHOSIAN, SBN 224928**
 3 **101 N. Brand Blvd., Suite 1970**
 4 **Glendale, California 91203**
 5 **Telephone: (818) 956-1111**
 6 **Facsimile: (818) 956-1983**

Attorneys for Plaintiff, RAFI HAROUTOUNIAN

By *Dawn Alexander* Deputy

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 8 **COUNTY OF LOS ANGELES**

11 **RAFI HAROUTOUNIAN**12 **Plaintiff,**13 **vs.**

14 **STARBUCKS CORPORATION AND**
 15 **DOES 1-100, inclusively**

16 **Defendants.**CASE NO. **BC649623**

COMPLAINT FOR DAMAGES
(Personal Injury)

1. STRICT PRODUCTS LIABILITY
2. NEGLIGENCE
3. BREACH OF IMPLIED WARRANTY

DEMAND FOR JURY TRIAL

19 **Plaintiff, RAFI HAROUTOUNIAN, complains and alleges as follows:**

20 **1. Plaintiff, RAFI HAROUTOUNIAN (hereinafter "Plaintiff"/ "HAROUTOUNIAN"), is,**
 21 **and at all times relevant was, an individual and competent adult who, on information and belief,**
 22 **resides in the County of Los Angeles, State of California. HAROUTOUNIAN brings this action on**
 23 **his own behalf and in his individual capacity based on an incident occurring on or about September**
 24 **27, 2015 on the premises of 1090 Wilshire Blvd., Los Angeles, CA 90017 inside a Starbucks**
 25 **location.**

26 **2. Plaintiff is informed and believes that at all times relevant, Defendant**
 27 **STARBUCKS CORPORATION ("STARBUCKS") is a corporation organized and existing under**
 28

COMPLAINT

E-SCANNED FSC:08/07/18 TRIAL: 08/21/18 OSC: 02/21/20

CASE #BC649623 RECEIPT # 1170223D3327 DATE PAID : 02/23/17 11:34 AM TOTAL : 435.00 TYPE : EFT

DEPT 97 Hon. Benny C. Osorio A7220

BC649623

1 the laws of the state of Washington, but doing business in the state of California. Plaintiff is
 2 informed and believes and on that basis alleges that STARBUCKS is the owner, operator, lessee,
 3 and or otherwise responsible for the maintenance, supervision, and operation of a retail store for
 4 the preparation of coffee, and/or for the making and dispensing of all coffee made at the premises.

5 3. Plaintiff is currently unaware of the true names and capacities, whether
 6 individual, corporate or otherwise, of defendants sued herein as Does 1 through 100 inclusive, and
 7 therefore are sued by fictitious names. Plaintiff is informed and believes and thereon alleges that
 8 each of the fictitiously named defendants are responsible in some manner for the occurrence herein
 9 alleged and that the acts and omissions of the fictitiously named defendants were a proximate
 10 cause of Plaintiff's injuries as hereinafter alleged. Plaintiff will seek leave to amend this Complaint
 11 to allege the true names and capacities of the fictitiously named Doe defendants when their
 12 identities have been ascertained.

13 4. Plaintiff is informed and believes, and on that basis alleges, that all the facts, acts,
 14 events and circumstances herein mentioned and described occurred in the County of Los Angeles,
 15 State of California, and defendants are residents of the within county, State of California.

16 5. Plaintiff is informed and believes, and on that basis alleges, that defendant is liable
 17 to Plaintiff in some manner alleged herein. Plaintiff is further informed and believes, and on that
 18 basis alleges, that at all times relevant herein, each defendant named in this complaint, was at all
 19 times pertinent hereto, and is, the agent, servant, representative, employee, joint venturer, principal
 20 and/or partner of the other co-defendant and in doing the things alleged herein, each co-defendant
 21 was and is now acting within the scope and authority conferred upon that party by consent,
 22 approval, and/or ratification, whether said authority was actual or apparent.

23 6. Plaintiff is informed and believes, and on that basis alleges, that STARBUCKS is
 24 now, and at all relevant times mentioned in the Complaint was, in the business of designing,
 25 manufacturing, constructing, assembling, inspecting, and selling at retail, various types of coffee
 26 products including, but not limited to, coffee cups and lids designed and manufactured by DOES 1-
 27 100.

28 ///

COMPLAINT

E-SCANNED FSC:08/07/18 TRIAL: 08/21/18 OSC: 02/21/20

CASE # BC649623 RECEIPT #: 1170223D3327 DATE PAID: 02/23/17 11:34 AM TOTAL: 435.00 TYPE: EFT

7. Jurisdiction is unlimited because the amount in controversy exceeds \$25,000.00. Venue is proper in Los Angeles County pursuant to California Code of Civil Procedure Section 395(a) because, inter alia: (c) the wrongs complained of herein occurred in the County of Los Angeles, California.

8. On or about September 27, 2015, HAROUTOUNIAN was with his family inside the Starbucks located at 1090 Wilshire Blvd., Los Angeles, CA 90017. HAROUTOUNIAN ordered a "Venti" coffee and as he approached the counter to pick up his coffee, but before he could even grab the cup, the coffee cup burst/exploded sending hot coffee onto HAROUTOUNIAN's body causing him burns on his chest and stomach area.

9. On or about September 27, 2015, the employees at the Starbucks location took a report of the incident and provided HAROUTOUNIAN with ointment for his burns. Furthermore, the same employees took the defective cup and would not provide it to HAROUTOUNIAN for inspection.

10. Plaintiff is informed and believes that the coffee cup and lid that was provided to HAROUTOUNIAN are designed, manufactured and constructed in accordance to STARBUCKS's specifications.

11. Plaintiff is informed and believes that the cup and lid used by STARBUCKS on his coffee were negligently designed, constructed, and/or manufactured such that the cup burst/exploded causing scalding hot coffee to spill onto HAROUTOUNIAN's chest and stomach causing burns to his body.

12. Plaintiff is informed and believes that STARBUCKS knew or through the exercise of reasonable diligence should have known that its cup and lid were defectively designed, manufactured and constructed and would result in their customers having hot liquid spill and burn their body.

13. Plaintiff is informed and believes that STARBUCKS was negligent in the use of a defective cup and lid which caused damages to HAROUTOUNIAN.

III

BC649623

FIRST CAUSE OF ACTION FOR STRICT PRODUCTS LIABILITY

(AS TO ALL DEFENDANTS)

14. PLAINTIFF repeats and incorporates herein each and every allegation contained in paragraphs 1 through 13 above as if set forth in full.

15. Plaintiff is informed and believes, and upon that belief alleges that STARBUCKS and DOES 1-100, and each of them, negligently, carelessly, and/or recklessly designed, manufactured, constructed, distributed, failed to adequately warn and/or sold coffee in a cup and lid to customers within the commerce of California.

16. Plaintiff is informed and believes, and upon that belief alleges that STARBUCKS and DOES 1-100, and each of them, knew or should have known through the exercise of reasonable diligence that the coffee cup and lid was defective and prone to cause injury and damages to unsuspecting customers. Furthermore, they failed to warn HAROUTOUNIAN of said defects.

17. Plaintiff is informed and believes, and upon that belief alleges that the defective cup and lid reached HAROUTOUNIAN without substantial change in the condition in which the product was designed, manufactured, distributed, and/or sold by STARBUCKS and Does 1-100.

18. Plaintiff is informed and believes, and upon that belief alleges that STARBUCKS and DOES 1-100, and each of them, owed a duty of care to HAROUTOUNIAN to design, manufacture, distribute and sell products that were free from potentially harmful defects and fit for their intended purpose.

19. Plaintiff is informed and believes, and upon that belief alleges that STARBUCKS and DOES 1-100, and each of them, breached their duty to HAROUTOUNIAN by failing to sell cups and lids that were free from defect that could cause harm to the consuming public.

20. On or about September 27, 2015, HAROUTOUNIAN used the defective cup and lid in a manner that it was intended to be used or foreseeable to be used.

21. As a proximate and legal cause of the defects referenced above, the failure to use reasonable care to warn or give adequate instructions and/or warnings of the defective and

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BC649623

1 dangerous condition of the cup and lid when used in an intended manner, HAROUTOUNIAN
 2 sustained extensive past and future economic and non-economic damages, physical injuries,
 3 medical expenses, emotional distress, loss of earnings, pain and suffering, and other such damages
 4 all in an amount to be proven at trial.

5 **SECOND CAUSE OF ACTION FOR NEGLIGENCE**

6 (AS TO ALL DEFENDANTS)

7 22. PLAINTIFF repeats and incorporates herein each and every allegation contained in
 8 paragraphs 1 through 21 above as if set forth in full.

9 23. On or about September 27, 2015, STARBUCKS and DOES 1-100, and each of them, owed
 10 a duty of care to HAROUTOUNIAN to design, manufacture, construct, and distribute coffee cups and lids
 11 that were safe for the consuming public. Furthermore, STARBUCKS and DOES 1-100, and each of them,
 12 owed a duty to warn HAROUTOUNIAN and the consuming public of any defects of which they were
 13 aware concerning the design, manufacture, construction, and distribution of coffee cups and lids that were
 14 for the consuming public.

15 24. STARBUCKS and DOES 1-100, and each of them, breached these duties by negligently
 16 and carelessly designing, manufacturing, constructing, and distributing the cups and lids that were defective
 17 and by failing to warn HAROUTOUNIAN of these known defects.

18 25. STARBUCKS and DOES 1-100, and each of them, owed a duty to HAROUTOUNIAN
 19 in their ownership, operation, maintenance, supervision, and/or management of the Starbucks located at
 20 1090 Wilshire Blvd., Los Angeles, CA 90017 ("Premises").

21 26. STARBUCKS and DOES 1-100, and each of them, breached this duty to
 22 HAROUTOUNIAN by allowing the coffee to exist in a dangerous condition.

23 27. As a direct and proximate result of the negligence by STARBUCKS and DOES 1-100,
 24 HAROUTOUNIAN sustained extensive economic and non-economic damages, physical injuries, past and
 25 future medical expenses, emotional distress, pain and suffering and other such damages all in an amount
 26 to be proven at trial.
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 28 ///

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BC649623

THIRD CAUSE OF ACTION FOR BREACH OF IMPLIED WARRANTY

(AS TO ALL DEFENDANTS)

28. PLAINTIFF repeats and incorporates herein each and every allegation contained in paragraphs 1 through 27 above as if set forth in full.

29. HAROUTOUNIAN was the end user of the cup and lid Manufactured by STARBUCKS and DOES 1-100. HAROUTOUNIAN alleges that the cup and lid were not of the same quality as those generally acceptable in the trade, was not fit for ordinary purposes for which such products are used, was not adequately labeled as such, and did not measure up to the promises or facts stated in sales literature and communications by and from STARBUCKS and DOES 1-100.

30. STARBUCKS and DOES 1-100 impliedly warranted that the cup and lid which they designed, manufactured, assembled, promoted, and sold was merchantable, fit and safe for ordinary use.

31. STARBUCKS and DOES 1-100 impliedly warranted that the cup and lid which they marketed, designed, manufactured, assembled, tested, inspected, promoted, distributed, fabricated, and sold was fit for the particular purpose for which it was intended and sold.

32. Contrary to these warranties, the cup and lid were defective, unmerchantable, and unfit for its ordinary use when sold and unfit for the particular purpose for which they were sold. As such, STARBUCKS and DOES 1-100 breached their implied warranties.

33. As a result of STARBUCKS and DOES 1-100's breach, HAROUTOUNIAN suffered damages according to proof at the time of trial.

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DEPT 97 Hon. Benny C. Osorio A7220

BC649623

1 **WHEREFORE**, the Plaintiffs pray for judgment against Defendants as follows:

- 2 1. For special damages according to proof;
- 3 2. For general damages and interest according to proof;
- 4 3. For reasonable attorney fees according to proof;
- 5 4. For costs of suit incurred herein;
- 6 5. For all medical and incidental expenses according to proof;
- 7 6. For prejudgment interest according to proof;
- 8 7. For loss of consortium;
- 9 8. For loss of earnings and/or earning capacity; and
- 10 9. For other such relief as the Court may deem just and proper.
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DATED: February 20, 2017

LAW OFFICES OF SEVAG NIGOGHOSIAN

By: Sevag Nigoghossian
Attorneys for Plaintiff RAFI HAROUTOUNIAN

SHORT TITLE:

Haroutounian v Starbucks

CASE NUMBER:

BC649623

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

Step 1: After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

Step 2: In Column B, check the box for the type of action that best describes the nature of the case.

Step 3: In Column C, circle the number which explains the reason for the court filing location you have chosen.

Applicable Reasons for Choosing Court Filing Location (Column C)

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, Central District. | 7. Location where petitioner resides. |
| 2. Permissive filing in central district. | 8. Location wherein defendant/respondent functions wholly. |
| 3. Location where cause of action arose. | 9. Location where one or more of the parties resides. |
| 4. Mandatory personal injury filing in North District. | 10. Location of Labor Commissioner Office. |
| 5. Location where performance required or defendant resides. | 11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury). |
| 6. Location of property or permanently garaged vehicle. | |

Auto Tort
Other Personal Injury/Property Damage/Wrongful Death Tort

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 4, 11
Uninsured/Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1, 4, 11
Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	1, 11 1, 11
Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1, 4, 11
Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 4, 11 1, 4, 11
Other Personal Injury/ Property Damage/ Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input checked="" type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 4, 11 1, 4, 11 1, 4, 11 1, 4, 11

**CIVIL CASE COVER SHEET ADDENDUM
AND STATEMENT OF LOCATION**

Rafi Haroutounian

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**Essential
Forms**

SHORT TITLE: Haroutounian v Starbucks	CASE NUMBER BC649623
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, 3
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3 1, 2, 3
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1, 2, 3 10
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach-Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2, 5 2, 5 1, 2, 5 1, 2, 5
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case <input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	5, 6, 11 5, 11 5, 6, 11
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 6
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute (not breach/insurance/fraud/negligence)	1, 2, 3, 5 1, 2, 3, 5 1, 2, 3, 8, 9
Real Property	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels	2, 6
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2, 6
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6 2, 6 2, 6
Unlawful Detainer	Unlawful Detainer- Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer- Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
	Unlawful Detainer- Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6, 11

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AND STATEMENT OF LOCATION**Local Rule 2.3
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Rafi Haroutounian

SHORT TITLE: Haroutounian v Starbucks	CASE NUMBER BC649623
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2, 8 2 2
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ/Judicial Review	2, 8
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1, 2, 8
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1, 2, 3
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1, 2, 8
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1, 2, 8
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1, 2, 3, 8
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2, 5, 11 2, 6 2, 9 2, 8 2, 8 2, 8, 9
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1, 2, 8
Miscellaneous Civil Complaints	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1, 2, 8 2, 8 1, 2, 8 1, 2, 8
	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 8
Miscellaneous Civil Petitions	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name/Change of Gender <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2, 3, 9 2, 3, 9 2, 3, 9 2 2, 7 2, 3, 8 2, 9

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**CIVIL CASE COVER SHEET ADDENDUM
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Rafi Haroutounian

SHORT TITLE Haroutounian v Starbucks	CASE NUMBER BC649623
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Step 4: Statement of Reason and Address: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

REASON: <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input checked="" type="checkbox"/> 11.	ADDRESS: 1090 Wilshire Blvd
CITY: Los Angeles	STATE: CA
ZIP CODE: 90017	

Step 5: Certification of Assignment: I certify that this case is properly filed in the _____ District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., §392 et seq., and Local Rule 2:3(a)(1)(E)].

Dated: February 20, 2017

(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

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**CIVIL CASE COVER SHEET ADDENDUM
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Rafi Haroutounian

FILED
LOS ANGELES SUPERIOR COURT

JAN 26 2015

SHERRILL CARTER EXECUTIVE OFFICER/CLERK

(J. BY C. CASAREZ, DEPUTY)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT

In re Personal Injury Cases Assigned to the) Case No.: _____
Personal Injury Courts (Departments 91, 92,)
93, and 97),) THIRD AMENDED GENERAL ORDER -
FINAL STATUS CONFERENCE,
PERSONAL INJURY ("PI") COURTS
(Effective as of January 26, 2015)

The dates for Trial and Final Status Conference ("FSC") having been set in this matter, the Court
HEREBY AMENDS AND SUPERSEDES ITS April 4, 2014 AMENDED GENERAL
ORDER-FINAL STATUS CONFERENCE AND GENERALLY ORDERS AS
FOLLOWS IN THIS AND ALL OTHER GENERAL JURISDICTION PERSONAL
INJURY ACTIONS:

I. PURPOSE OF THE FSC

The purpose of the FSC is to verify that the parties/counsel are completely ready to
proceed with trial continuously and efficiently, from day to day, until verdict. The PI Courts
will verify at the FSC that all parties/counsel have (1) prepared the Exhibit binders and Trial
Document binders and (2) met and conferred in an effort to stipulate to ultimate facts, legal
issues, motions *in limine*, and the authentication and admissibility of exhibits.

1/26/1

2. TRIAL DOCUMENTS TO BE FILED

At least five calendar days prior to the Final Status Conference, the parties/counsel shall serve and file (in Room 102 of the Stanley Mosk Courthouse) the following Trial Readiness Documents:

A. TRIAL BRIEFS (OPTIONAL)

Each party/counsel may file, but is not required to file, a trial brief succinctly identifying:

- (1) the claims and defenses subject to litigation;
- (2) the major legal issues (with supporting points and authorities);
- (3) the relief claimed and calculation of damages sought; and
- (4) any other information that may assist the court at trial.

B. MOTIONS *IN LIMINE*

Before filing motions *in limine*, the parties/counsel shall comply with the statutory notice provisions of Code of Civil Procedure ("C.C.P.") Section 1005 and the requirements of Los Angeles County Court Rule ("Local Rule") 3.57(a). The caption of each motion *in limine* shall concisely identify the evidence that the moving party seeks to preclude. Parties filing more than one motion *in limine* shall number them consecutively. Parties filing opposition and reply papers shall identify the corresponding motion number in the caption of their papers.

C. JOINT STATEMENT TO BE READ TO THE JURY

For jury trials, the parties/counsel shall work together to prepare and file a joint written statement of the case for the court to read to the jury. Local Rule 3.25(i)(4).

D. JOINT WITNESS LIST

The parties/counsel shall work together to prepare and file a joint list of all witnesses that each party intends to call (excluding impeachment and rebuttal witnesses). Local Rule 3.25(i)(5).

The joint witness list shall identify each witness by name, specify which witnesses are experts, and estimate the length of the direct, cross examination re-direct examination (if any) of each witness. The parties/counsel shall identify and all potential witness scheduling issues and special requirements. Any party/counsel who seeks to elicit testimony from a witness not identified on the witness list must first make a showing of good cause.

E. LIST OF PROPOSED JURY INSTRUCTIONS (JOINT AND CONTESTED)

The parties/counsel shall jointly prepare and file a list of proposed jury instructions, organized in numerical order, specifying the instructions upon which all sides agree and the contested instructions, if any. The Joint List of Jury Instructions must include a space by each instruction for the judge to indicate whether the instruction was given.

F. JURY INSTRUCTIONS (JOINT AND CONTESTED)

The parties/counsel shall prepare a complete set of full-text proposed jury instructions, editing all proposed California Civil Jury Instructions for Judges and Attorneys ("CACI") instructions to insert party names and eliminate blanks and irrelevant material. The parties shall prepare special instructions in a format ready for submission to the jury with the instruction number, title and text only (i.e., there should be no boxes or other indication on the printed instruction itself as to the requesting party.).

G. JOINT VERDICT FORM(S)

The parties/counsel shall prepare and jointly file a proposed general verdict form or special verdict form (with interrogatories) acceptable to all sides. If the parties/counsel cannot agree on a joint verdict form, each party must separately file a proposed verdict form. Local Rule 3.25(i)(7) and (8).

H. JOINT EXHIBIT LIST

The parties/counsel shall prepare and file a joint exhibit list organized with columns identifying each exhibit and specifying each party's evidentiary objections, if any, to admission of each exhibit. To comply with Local Rules 3.52(i)(5) and 3.53, the parties shall meet and confer in an effort to resolve objections to the admissibility of each exhibit.

3. EVIDENTIARY EXHIBITS

The parties/counsel shall jointly prepare (and be ready to temporarily lodge for inspection at the FSC), three sets of tabbed, internally paginated and properly-marked exhibits, organized numerically in three-ring binders (a set for the Court, the Judicial Assistant and the witnesses).

The parties/counsel shall mark all non-documentary exhibits and insert a simple written description of the exhibit behind the corresponding numerical tab in the exhibit binder.

4. TRIAL BINDERS REQUIRED IN THE PI COURTS

The parties/counsel shall jointly prepare (and be ready to temporarily lodge for inspection at the FSC) the Trial Documents, tabbed and organized into three-ring binders as follows:

Tab A: Trial Briefs

Tab B: Motions *in limine*

Tab C: Joint Statement to Be Read to the Jury

Tab D: Joint Witness List

1 Tab E: Joint List of Jury Instructions (identifying the agreed upon and contested
2 instructions)

3 Tab F: Joint and Contested Jury Instructions

4 Tab G: Joint and/or Contested Verdict Forms

5 The parties shall organize motions *in line* (tabbed in numerical order) behind tab B with
6 the opposition papers and reply papers for each motion placed directly behind the moving
7 papers. The parties shall organize proposed jury instructions behind tab F, with the agreed upon
8 instructions first in order followed by the contested instructions (including special instructions)
9 submitted by each side.

10 **5. FAILURE TO COMPLY WITH FSC OBLIGATIONS**

11 The court has discretion to require any party/counsel who fails or refuses to comply with this
12 General Order to Show Cause why the court should not impose monetary, evidentiary and/or
13 issue sanctions (including the entry of a default or the striking of an answer).
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FILED

LOS ANGELES SUPERIOR COURT

FEB 25 2016

SHERRI R. CARTER, EXECUTIVE OFFICER/CLERK

BY C. CASAREZ, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

In re Personal Injury Cases Assigned to the
Personal Injury Courts;
(CENTRAL DISTRICT)

Case No.:
SIXTH AMENDED GENERAL
ORDER RE PERSONAL INJURY
COURT ("PI Court") PROCEDURES,
CENTRAL DISTRICT
(Effective as of February 22, 2016)

DEPARTMENT: 91 92 93 97 98FINAL STATUS CONFERENCE ("FSC"):

- Date: _____ at 10:00 a.m.

TRIAL:

- Date: _____ at 8:30 a.m.

OSC re DISMISSAL (Code Civ. Proc., § 583.210):

- Date: _____ at 8:30 a.m.

TO EACH PARTY AND TO THE ATTORNEY OF RECORD FOR EACH PARTY:

Pursuant to the California Code of Civil Procedure ("C.C.P."), the California Rules of Court, and the Los Angeles County Court Rules ("Local Rules"), the Los Angeles Superior Court ("LASC" or "Court") HEREBY AMENDS AND SUPERSEDES THE September 18, 2015 AMENDED GENERAL ORDER AND GENERALLY

1 **ORDERS AS FOLLOWS IN THIS AND ALL OTHER GENERAL JURISDICTION**
 2 **PERSONAL INJURY ACTIONS:**

3 Effective March 18, 2013, the Court responded to systemic budget reductions by
 4 centralizing the management of more than 18,000 general jurisdiction personal injury cases in
 5 the Stanley Mosk Courthouse. LASC initially opened three Personal Injury Courts ("PI
 6 Courts" - Departments 91, 92 and 93), on January 6, 2014, a fourth (Department 97), and on
 7 September 28, 2015 a fifth (Department 98) to adjudicate all pretrial matters for these cases.
 8 It also established a Master Calendar Court (Department One), to manage the assignment of
 9 trials to dedicated Trial Courts located countywide. Prior Amended General Orders laid out
 10 the basic procedures for the PI Courts' management of pretrial matters. The parties will find
 11 additional information about the PI Courts on the court's website, www.lacourt.org.
 12

13 1. To ensure proper assignment to a PI Court, Plaintiff(s) must carefully fill out the Civil
 14 Case Cover Sheet Addendum (form LACIV 109). The Court defines "personal injury" as:

15 "an unlimited civil case described on the Civil Case Cover Sheet Addendum and
 16 Statement of Location (LACIV 109) as Motor Vehicle-Personal Injury/Property
 17 Damage/Wrongful Death; Personal Injury/Property Damage/Wrongful Death-
 18 Uninsured Motorist; Product Liability (other than asbestos or
 19 toxic/environmental); Medical Malpractice-Physicians & Surgeons; Other
 20 Professional Health Care Malpractice; Premises Liability; Intentional Bodily
 21 Injury/Property Damage/Wrongful Death; or Other Personal Injury/Property
 22 Damage/Wrongful Death. An action for intentional infliction of emotional
 23 distress, defamation, civil rights/discrimination, or malpractice (other than
 24 medical malpractice), is not included in this definition. An action for injury to
 25 real property is not included in this definition." Local Rule 2.3(a)(1)(A).
 26
 27

The Court will assign a case to the PI Courts if plaintiff(s) check any of the following boxes in the Civil Case Cover Sheet Addendum:

- ☐ A7100 Motor Vehicle – Personal Injury/Property Damage/Wrongful Death
- ☐ A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist
- ☐ A7260 Product Liability (not asbestos or toxic/environmental)
- ☐ A7210 Medical Malpractice – Physicians & Surgeons
- ☐ A7240 Medical Malpractice – Other Professional Health Care Malpractice
- ☐ A7250 Premises Liability (e.g., slip and fall)
- ☐ A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism etc.)
- ☐ A7220 Other Personal Injury/Property Damage/Wrongful Death

The Court will not assign cases to the PI Courts if plaintiff(s) check any boxes elsewhere in the Civil Case Cover Sheet Addendum (any boxes on pages two and three of that form).

The Court sets the above dates in this action in the PI Court circled above (Department 91, 92, 93, 97, or 98) at the Stanley Mosk Courthouse, 111 North Hill Street, Los Angeles, CA 90012. Cal. Rules of Court, Rules 3.714(b)(3), 3.729.

FILING OF DOCUMENTS

2. Parties may file documents in person at the filing window, via US Mail, or *as of March 1, 2106*, through e-Delivery, which is available online at www.lacourt.org (link on homepage). Please note that filings are no longer accepted via facsimile and must be filed either in person

1 or via e-Delivery. Claims involving an attorney-client fee dispute, documents in which the
 2 filing party is a minor, legally incompetent person, or person for whom a conservator has been
 3 appointed, Requests to Waive Court Fees (FW-001) and Requests for Accommodations by
 4 Persons with Disabilities (MC-410), may not be filed via e-Delivery.

6 **SERVICE OF SUMMONS AND COMPLAINT**

8 3. Plaintiff(s) shall serve the summons and complaint in this action upon defendant(s) as
 9 soon as possible but no later than three years from the date when the complaint is filed. C. C.
 10 P. § 583.210, subd. (a). On the OSC re Dismissal date noted above, the PI Court will dismiss
 11 **the action and/or** all unserved parties unless the plaintiff(s) show cause why the action or the
 12 unserved parties should not be dismissed. C.C.P. §§ 583.250; 581, subd. (b)(4).

13 4. The Court sets the above trial and FSC dates on condition that plaintiff(s) effectuate
 14 service on defendant(s) of the summons and complaint within six months of filing the
 15 complaint.

17 5. The PI Court will dismiss the case without prejudice pursuant to C.C.P. § 581 when
 18 no party appears for trial.

20 **STIPULATIONS TO CONTINUE TRIAL**

21 6. Provided that all parties agree (and there is no violation of the "five-year rule," C.C.P.
 22 § 583.310), the parties may advance or continue any trial date in the PI Courts without
 23 showing good cause or articulating any reason or justification for the change. To continue or
 24 advance a trial date, the parties (or their counsel of record) should jointly execute and file (in
 25 Room 102 of the Stanley Mosk Courthouse; fee required) a Stipulation to Continue Trial,
 26
 27

1 FSC and Related Motion/Discovery Dates (form LACIV CTRL-242, available on the court's
 2 website, Personal Injury Court link). The PI Courts schedule FSCs for 10:00 a.m., eight (8)
 3 court days before the trial date. Parties seeking to continue the trial and FSC dates shall file
 4 the Stipulation at least eight court days before the FSC date. Parties seeking to advance the
 5 trial and FSC dates shall file the Stipulation at least eight court days before the proposed
 6 advanced FSC date. Code Civ. Proc., § 595.2; Govt. Code § 70617, subd. (c)(2). In
 7 selecting a new trial date, parties should avoid setting on any Monday, or the Tuesday
 8 following a court holiday. Parties may submit a maximum of two stipulations to continue
 9 trial, the first for a maximum of four months, the second for a maximum of two months. A
 10 third request to continue trial will only be granted upon a showing of good cause, by ex parte
 11 application or noticed motion. This rule is retroactive so that any previously granted
 12 stipulation to continue trial will count toward the maximum number of allowed continuances.
 13
 14

15 NO CASE MANAGEMENT CONFERENCES

16 7. The PI Courts do not conduct Case Management Conferences. The parties need not
 17 file a Case Management Statement.
 18
 19

20 LAW AND MOTION

21 ANY DOCUMENTS WITH DECLARATIONS AND/OR EXHIBITS MUST BE
 22 TABBED. CRC §3.1110(f)

23 ALL DEPOSITION EXCERPTS REFERENCED IN BRIEFS MUST BE MARKED
 24 ON THE TRANSCRIPTS ATTACHED AS EXHIBITS. CRC §3.1116(c)

25 *If your filing is not tabbed or depositions are not marked, do not file without the*
 26 *tabs or marked depositions unless today is the last day for filing. If so, you must*
 27 *file a tabbed/marked copy with the clerk in the department where your motion will*
be heard within 2 court days.

Chambers Copies Required

8. In addition to filing original motion papers in Room 102 of the Stanley Mosk Courthouse, the parties must deliver, directly to the PI Court courtrooms, an extra copy (marked "Chambers Copy") of reply briefs and all other motion papers filed less than seven (7) court days before a hearing calendared in the PI Courts. The PI Courts also strongly encourage the parties filing and opposing lengthy motions, such as motions for summary judgment/adjudication, to submit one or more three-ring binders organizing the Chambers Copies behind tabs.

Reservation of Hearing Date

9. Parties are directed to reserve hearing dates for motions in the PI Courts using the Court Reservation System (CRS) available online at www.lacourt.org (link on homepage). After reserving a motion hearing date, the reservation requestor must submit the papers for filing with the reservation receipt (CRS) number printed on the face page of the document under the caption and attach the reservation receipt as the last page. Parties or counsel who are unable to utilize the online CRS may reserve a motion hearing date by calling the PI Court courtroom, Monday through Friday, between 3:00 p.m. and 4:00 p.m.

Withdrawal of Motion

10. California Rules of Court, Rule 3.1304(b) requires a moving party to notify the court immediately if a matter will not be heard on the scheduled date. In keeping with that rule, the PI Courts urge parties who amend pleadings in response to demurrers to file amended pleadings before the date when opposition to the demurrer is due so that the PI Courts do not

1 needlessly prepare tentative rulings on demurrers.

2
3 **Discovery Motions**

4 11. The purpose of an Informal Discovery Conference ("IDC") is to assist the parties to
5 resolve and/or narrow the scope of discovery disputes. Lead trial counsel on each side, or
6 another attorney with full authority to make binding agreements, must attend in person. The
7 PI judges have found that, in nearly every case, the parties amicably resolve disputes with the
8 assistance of the Court.
9

10 12. Parties must participate in an IDC before a Motion to Compel Further Responses to
11 Discovery will be heard, unless, the moving party submits evidence, by way of declaration,
12 that the opposing party has failed or refused to participate in an IDC. Scheduling or
13 participating in an IDC does not extend any deadlines imposed by the Code of Civil Procedure
14 for noticing and filing discovery motions. Ideally, the parties should participate in an IDC
15 before a motion is filed because the IDC may avoid the necessity of a motion or reduce its
16 scope. Because of that possibility, attorneys are encouraged to stipulate to extend the 45 (or
17 60) day deadline for filing a motion to compel further discovery responses in order to allow
18 time to participate in an IDC. If parties do not stipulate to extend the deadlines, the moving
19 party may file the motion to avoid it being deemed untimely. However, the IDC must take
20 place before the motion is heard so it is suggested that the moving party reserve a date for the
21 motion hearing that is at least 60 days after the date when the IDC reservation is made. Motions
22 to Compel Further Discovery Responses are heard at 10:00 a.m. If the IDC is not productive,
23 the moving party may advance the hearing on a Motion to Compel Further Discovery
24
25
26
27

Responses on any available hearing date that complies with the notice requirements of the Code of Civil Procedure.

13. Parties are directed to reserve IDC dates in the PI Courts using CRS available online at www.lacourt.org (link on homepage). Parties are to meet and confer regarding the available dates in CRS prior to accessing the system. After reserving the IDC date, the reservation requestor must file in the appropriate department and serve an Informal Discovery Conference Form for Personal Injury Courts, from LACIV 239 (revised 12/14 or later), at least 15 court days prior to the conference and attach the CRS reservation receipt as the last page. The opposing party may file and serve a responsive IDC Form, briefly setting forth that party's response, at least 10 court days prior to the IDC.

14. Time permitting, the PI Hub judges may be available to participate in IDCs to try to resolve other types of discovery disputes.

Ex Parte Applications

15. Under the California Rules of Court, courts may only grant *ex parte* relief upon a showing, by admissible evidence, that the moving party will suffer "irreparable harm," "immediate danger," or where the moving party identifies "a statutory basis for granting relief *ex parte*." Cal. Rules of Court, Rule 3.1202(c). The PI Courts have no capacity to hear multiple *ex parte* applications or to shorten time to add hearings to their fully booked motion calendars. The PI Courts do not regard the Court's unavailability for timely motion hearings as an "immediate danger" or threat of "irreparable harm" justifying *ex parte* relief. Instead of seeking *ex parte* relief, counsel should reserve the earliest available motion hearing date, and stipulate with all parties to continue the trial to a date thereafter using the Stipulation to Continue Trial, FSC and Related Motion/Discovery Dates (form LACIV CTRL-242, available

on the court's website, PI Court Tab). Counsel should also check the Court Reservation System from time to time because earlier hearing dates may become available as cases settle or counsel otherwise take hearings off calendar.

REQUEST FOR TRANSFER TO INDEPENDENT CALENDAR DEPARTMENT

16. Parties seeking to transfer a case from a PI Court to an Independent Calendar ("I/C") Court shall file (in Room 102 of the Stanley Mosk Courthouse) and serve the Court's "Motion to Transfer Complicated Personal Injury Case to Independent Calendar Court" (form LACIV 238, available on the Court's website under the PI Courts link). The PI Courts will transfer a matter to an I/C Court if the case is not a "Personal Injury" case as defined in the General Order re General Jurisdiction PI Cases, or if it is "complicated." In determining whether a personal injury case is "complicated" the PI Courts will consider, among other things, the number of pretrial hearings or the complexity of issues presented.

17. Parties opposing a motion to transfer have five court days to file (in Room 102) an Opposition (using the same LACIV 238 Motion to Transfer form).

18. The PI Courts will not conduct a hearing on any Motion to Transfer to I/C Court. Although the parties may stipulate to transfer a case to an Independent Calendar Department, the PI Courts will make an independent determination whether to transfer the case or not.

GENERAL ORDER – FINAL STATUS CONFERENCE

19. Parties shall comply with the requirements of the PI Courts' "Amended General Order – Final Status Conference," which shall be served with the summons and complaint.

JURY FEES

20. Parties must pay jury fees no later than 365 calendar days after the filing of the initial complaint. (Code Civ. Proc., § 631, subds. (b) and (c))

- UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585 -


To (name of one defendant only): Starbucks Corporation.
Plaintiff (name of one plaintiff only): Rafi Haroutounian
seeks damages in the above-entitled action, as follows:

Rafi Haroutounian

Exhibit "B"

Page 1 of 1
Cal. Rules of Court, rule 2.304
www.courtinfo.ca.gov

From: MyFax <NoReply@MyFax.com>
Sent: Tuesday, March 28, 2017 11:42 AM
To: Maria Dimas
Subject: Fax Delivery Successful to 14422473751
Attachments: 811032436.tif




Successful fax sent from MyFax.

Fax for Free.
Tell a friend about MyFax today.

Have a question?
support@myfax.com

Fax Delivery Number:	14422473751
Fax Recipient:	To:Haroutounian - Ans to Complaint
Sent at:	03/28/2017 11:42:12 AM (GMT-7:00)
Pages:	5
Duration:	193
Cost:	0.0000 USD
Tax - GST:	0.0000 USD
Tax - PST:	0.0000 USD
Total Cost:	0.0000 USD
Customer Number:	1116952
Reference Number:	811032436
Billing Code:	1116952
Remote CSID:	LA Superior Court

Thank you for using 

1 Arnold D. Larson, Esq., (State Bar No. 77118)
2 Mary P. Lightfoot, Esq., (State Bar No. 137477)
3 **LARSON, GARRICK & LIGHTFOOT, LLP**
4 801 S. Figueroa Street, Suite 1750
5 Los Angeles, California 90017
6 Tel: (213) 404-4100 / Fax: (213) 404-4123

7 Attorneys for Defendant, STARBUCKS CORPORATION

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES

10
11 RAFI HAROUTOUNIAN,

12 Plaintiff,

13 vs.

14 STARBUCKS CORPORATION AND DOES
15 1-100, inclusively,

16 Defendants.

CASE NO.: BC-649623

Judge: Hon. Benny C. Osorio, Dept. 97

**DEFENDANT, STARBUCKS
CORPORATION'S ANSWER AND
AFFIRMATIVE DEFENSES TO
PLAINTIFF'S COMPLAINT FOR
DAMAGES**

17 Complaint Filed: February 21, 2017
18 FSC Date: August 7, 2018
19 Trial Date: August 21, 2018

20 Defendant, Starbucks Corporation (hereinafter collectively "Defendant") by and through
21 its attorneys of record, Larson, Garrick & Lightfoot, LLP, answers Plaintiff's Complaint, and
22 each and every cause of action alleged therein, as follows:

23 Pursuant to the provisions of Section 431.30(d) of the California Code of Civil Procedure,
24 Defendant denies each and every matter, fact and allegation contained in the Complaint, both
25 generally and specifically. The answering Defendant specifically denies that Plaintiff was injured or
26 damaged in any sum or any amount, or at all, by reason of any negligent or intentional act or
27 omission to act on the part of Defendant or its employees or agents, whether as alleged in the
28 Complaint or otherwise.

1 **AFFIRMATIVE DEFENSES**

2 Defendant asserts the following affirmative defenses to each of the causes of action in
3 Plaintiff's Complaint:

4 **FIRST AFFIRMATIVE DEFENSE**

5 Plaintiff's Complaint fails to state facts sufficient to constitute a cause or causes of action
6 against Defendant.

7 **SECOND AFFIRMATIVE DEFENSE**

8 Plaintiff has failed to take all reasonable and necessary care and diligence to mitigate the
9 damages alleged in each of the causes of action set forth in the Complaint.

10 **THIRD AFFIRMATIVE DEFENSE**

11 Defendant asserts that the incident that is the subject matter of the Complaint was caused or
12 brought about by a person or persons (including, if proven by investigation and discovery, Plaintiff,
13 Rafi Haroutounian, and known or unknown third parties) other than Defendant and over whom
14 Defendant had neither control nor the right to control, or resulted from some independent cause,
15 phenomenon or misadventure beyond the control of Defendant and for which Defendant is not
16 liable. Defendant asserts the defense of superseding intervening cause.

17 **FOURTH AFFIRMATIVE DEFENSE**

18 To the extent there was an abuse, alteration, misuse or unintended use of a product by
19 Plaintiff, or others, which was without Defendant's knowledge or approval and was a proximate
20 cause of the injury or damage alleged in the Complaint, then, to that same extent, such abuse,
21 alteration, misuse or unintentional use shall bar recovery against Defendant.

22 **FIFTH AFFIRMATIVE DEFENSE**

23 Any recovery by Plaintiff against Defendant is barred, diminished or reduced in that Plaintiff
24 has failed to join all indispensable parties, and, therefore complete relief cannot be afforded to the
25 parties in this action and will result in prejudice in any future litigation.

26 **SIXTH AFFIRMATIVE DEFENSE**

27 Defendant is informed and believes, and on that basis alleges, that Plaintiff negligently,
28 recklessly, carelessly or knowingly failed to exercise ordinary care, caution or prudence relating to the

1 matters alleged in the Complaint, so that the injuries and damages allegedly sustained by Plaintiff and
 2 his consequent damages were proximately caused and contributed to by the negligence or
 3 recklessness of Plaintiff. If so, any recovery by Plaintiff for damages must be offset or reduced in
 4 accordance with the doctrine of comparative negligence.

5 SEVENTH AFFIRMATIVE DEFENSE

6 If Plaintiff was injured or damaged as alleged in the Complaint, such injuries or damages were
 7 caused or contributed to by persons or entities other than Defendant, and the relative fault of all
 8 such persons or entities must be determined so that the liability, if any, of Defendant, to Plaintiff may
 9 be apportioned or set off on a comparative fault basis in accordance with the provisions of Civil
 10 Code, § 1431.2(a).

11 EIGHTH AFFIRMATIVE DEFENSE

12 Defendant reserves the right to amend this pleading to include further affirmative defenses
 13 pending further discovery and investigation.

14 **WHEREFORE**, Defendant prays for judgment as follows:

- 15 a. That Plaintiff takes nothing by way of the Complaint filed herein;
- 16 b. That judgment be rendered in favor of Defendant, and Defendant be awarded its
 17 costs of suit;
- 18 c. That the trier of fact reduce the amount of damages assessed against Defendant, if
 19 any, in accordance with the doctrine of comparative fault; and
- 20 d. For such other and further relief as this Court may deem just and proper.

21
 22
 23 Dated: March 28, 2017

LARSON, GARRICK & LIGHTFOOT, LLP

24
 25
 26 By: 

MARY B. LIGHTFOOT

Attorneys for Defendant,
 STARBUCKS CORPORATION

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 I am employed in the County of Los Angeles, State of California. I am over the age of
4 eighteen and not a party to the within action; my business address is: 801 S. Figueroa Street, Suite
1750, Los Angeles, California 90017.

5 On the date specified herein below, I served the foregoing document, described herein, on all
6 interested parties in this action by placing a true copy thereof enclosed in sealed envelope(s), Los
Angeles, California, addressed as follows:

7 Sevag Nigoghosian, Esq.
8 LAW OFFICES OF SEVAG NIGOGHOSIAN
101 North Brand Blvd., Suite 1970
9 Glendale, CA 91203
Tel: (818) 956-1111 / Fax: (818) 956-1983
10 ~ *Attorneys for Plaintiff Rafi Haroutounian*

11 Date of Service: March 28, 2017

12 Document Served: **DEFENDANT, STARBUCKS CORPORATION'S ANSWER AND**
13 **AFFIRMATIVE DEFENSES TO PLAINTIFF'S COMPLAINT FOR**
DAMAGES

14 X (REGULAR MAIL) I caused such envelope with postage thereon fully prepaid to be placed
15 in the United States mail at Los Angeles, California.

16 I am "readily familiar" with the firm's practice of collection and processing correspondence
17 for mailing. It is deposited with U.S. postage service on that same day in the ordinary course
of business. I am aware that on motion of party served, service is presumed invalid if postal
18 cancellation date or postage meter date is more than 1 day after date of deposit for mailing in
affidavit.

19 — BY PERSONAL SERVICE I caused such envelope(s) to be delivered by hand to the
offices of the addressee(s) pursuant to C.C.P. §1011.

20 — BY FEDERAL EXPRESS Pursuant to California Code of Civil Procedure §1013(c).

21 — BY FACSIMILE By sending a copy of said document by facsimile machine for
22 instantaneous transmittal via telephone line to the offices of the addressee(s) listed on the
attached service list using the facsimile number(s) listed on the service list.

23 X (STATE) I declare under penalty of perjury under the laws of the State of California that the
24 above is true and correct.

25 Executed at Los Angeles, California on March 28, 2017.

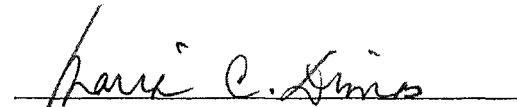
26 
27 Maria C. Dimas
28

Exhibit "C"

DO NOT FILE WITH THE COURT -

- UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585 -

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Sevag Nigoghossian SBN 224928 Law Offices of Sevag Nigoghossian 101 N. Brand Blvd., Suite 1970 Glendale, CA 91203		TELEPHONE NO.: (818) 956-1111 (818) 956-1983	FOR COURT USE ONLY
ATTORNEY FOR (Name): Plaintiff Rafi Haroutounian			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: 111 N. Hill Street CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Central			
PLAINTIFF: Rafi Haroutounian DEFENDANT: Starbucks Corporation			
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)			CASE NUMBER: BC649623

To (name of one defendant only): Starbucks Corporation.

Plaintiff (name of one plaintiff only): Rafi Haroutounian

seeks damages in the above-entitled action, as follows:

- | | AMOUNT |
|---|------------|
| 1. General damages | |
| a. <input checked="" type="checkbox"/> Pain, suffering, and inconvenience..... | \$ 500,000 |
| b. <input checked="" type="checkbox"/> Emotional distress..... | \$ 500,000 |
| c. <input type="checkbox"/> Loss of consortium..... | \$ |
| d. <input type="checkbox"/> Loss of society and companionship (wrongful death actions only)..... | \$ |
| e. <input type="checkbox"/> Other (specify)..... | \$ |
| f. <input type="checkbox"/> Other (specify)..... | \$ |
| g. <input type="checkbox"/> Continued on Attachment 1.g. | |
| 2. Special damages | |
| a. <input checked="" type="checkbox"/> Medical expenses (to date)..... | \$ 10,000 |
| b. <input checked="" type="checkbox"/> Future medical expenses (present value)..... | \$ 100,000 |
| c. <input checked="" type="checkbox"/> Loss of earnings (to date)..... | \$ Unknown |
| d. <input type="checkbox"/> Loss of future earning capacity (present value)..... | \$ |
| e. <input type="checkbox"/> Property damage..... | \$ |
| f. <input type="checkbox"/> Funeral expenses (wrongful death actions only)..... | \$ |
| g. <input type="checkbox"/> Future contributions (present value) (wrongful death actions only)..... | \$ |
| h. <input type="checkbox"/> Value of personal service, advice, or training (wrongful death actions only)..... | \$ |
| i. <input type="checkbox"/> Other (specify)..... | \$ |
| j. <input type="checkbox"/> Other (specify)..... | \$ |
| k. <input type="checkbox"/> Continued on Attachment 2.k. | |

3. ☐ Punitive damages: Plaintiff reserves the right to seek punitive damages in the amount of (specify) \$ _____
when pursuing a judgment in the suit filed against you.

Date: February 23, 2017

Sevag Nigoghossian
(TYPE OR PRINT NAME)

(Proof of service on reverse)

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

Page 1 of 2